



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

October 23, 2022

BY ECF & EMAIL

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007
torres_nysdchambers@nysd.uscourts.gov

Re: *United States v. Timothy Shea*, S2 20 Cr. 412 (AT)

Dear Judge Torres:

The Government respectfully submits this letter to request that the Court modify the October 22, 2022 sealed protective order relating to certain grand jury materials produced by the New York County District Attorney's Office ("DANY").

As the Government previously noted, for the two relevant witnesses, DANY produced both transcripts of immunized testimony and notes of interviews or preparation sessions held prior to the grand jury testimony. (*See* Dkt. 304 at 1 & n.1.) Because the applicable New York statute provides immunity upon a witness's testimony, and because the interview notes therefore do not receive the immunity protection that applies to the grand jury testimony, the Government intends to direct the filter team to provide the interview notes to the prosecution team. As a result, the interview notes no longer need to be subject to the existing protective order. The Government intends to re-designate the interview notes as Protected Materials under the Court's protective order governing discovery. (Dkt. 33.)

The Government therefore respectfully requests that the Court enter a revised protective order that applies only to the transcripts of immunized grand jury testimony for the two relevant witnesses. A proposed order is attached for the Court's consideration.¹

Respectfully submitted,

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¹ The Government is redacting certain information in the accompanying proposed protective order pursuant to Rule 21.4 of the Court's Electronic Case Filing Rules and Instructions and in light of the need to preserve grand jury secrecy, and will provide an unredacted copy to the Court and the defendant by email, which the Government respectfully requests be filed under seal.